

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Bryan Dryden,

Petitioner

v.

Calvin Johnson, et al.,

Respondents

Case No. 2:17-cv-00704-JAD-NJK

**Order Denying Motion to Appeal and
Denying Motion for Appointment of
Counsel**

[ECF Nos. 73, 74]

On March 23, 2022, I denied Petitioner Bryan Dryden's petition for writ of habeas corpus under 28 U.S.C. § 2254.¹ Dryden appealed, and the Ninth Circuit Court of Appeals denied Dryden a certificate of appealability on October 27, 2022.² The Ninth Circuit Court of Appeals then granted Dryden's counsel's motion to withdraw.³

Dryden has filed a motion to appeal, explaining that the state district court denied his ability to file a second or successive state habeas petition and asking this court to order the state district court to allow him to do so.⁴ Dryden has also filed a request for appointment of counsel.⁵

This case is closed, so there is no basis to grant Dryden's motion for the appointment of counsel. And if Dryden wishes to appeal a state district court order, he must file an appeal with the Nevada Supreme Court, not file a motion in this court.⁶

¹ ECF No. 63.

² ECF No. 68.

³ ECF No. 69.

⁴ ECF No. 73.


⁵ ECF No. 74.

⁶ If Dryden desires to file a second or successive federal habeas petition in this court, he must first file a motion with the Ninth Circuit Court of Appeals requesting authorization for this court to consider such a second or successive federal habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).

1 IT IS THEREFORE ORDERED that the motion to appeal [ECF No. 73] and motion for
2 appointment of counsel [ECF No. 74] ARE DENIED.

3 IT IS FURTHER ORDERED that, to the extent required, a certificate of appealability is
4 denied.

5 Dated: May 21, 2023

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8 U.S. District Judge Jennifer A. Dorsey
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